

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JENNIFER KRALEY HEINRICH, Individually
and as limited guardian ad litem for A.K.J., a
Minor,

Plaintiffs,

v.

CASTLE ROCK SCHOOL DISTRICT, a
Municipal Corporation;

Defendant.

NO.

COMPLAINT FOR DAMAGES

JURY DEMANDED

COME NOW the Plaintiffs, through their attorney, Thaddeus P. Martin, attorney of
record for Plaintiffs, by and through this Complaint and by way of claim allege:

I. INTRODUCTION

1.1 This lawsuit is for damages against Castle Rock School District and their
agents.

1.2 This lawsuit is brought against Castle Rock School District for unlawful
discrimination, endangerment and harm of a student by the defendant's negligence and
wrongful conduct. Plaintiff has filed a tort claim against Castle Rock School District and
60 days has passed.

III. VENUE

3.1 The events which gave rise to this lawsuit occurred in Pierce County Washington. The school in question is located in Cowlitz County, Washington. The plaintiffs reside in Cowlitz County, Washington. Venue is proper.

IV. PARTIES

4.1 Plaintiffs

4.1.1 Plaintiffs are citizens of the United States of America, residents of Lewis County, Washington.

4.1.2 Plaintiff, A.K.J, was a student at Castle Rock High School at the time of the incidents surrounding this lawsuit.

4.1.3 Plaintiff, Jennifer Kraley Heinrich is the natural mother of Plaintiff, A.K.J., and has legal custody of him. Plaintiff A.K.J. resided at all relevant times with his natural mother, Jennifer Kraley Heinrich.

4.2 Defendants

4.2.1 Castle Rock School District is a quasi municipal corporation.

V. FACTS

5.1 The facts surrounding this lawsuit occurred at Castle Rock High School, 5180 Westside Highway, Castle Rock, WA 98611. Castle Rock High School is a school within the Castle Rock School District (hereinafter "District").

5.2 Plaintiff A.K.J. is a disabled minor.

5.3 The District administrators, teachers, staff, knew or should have known that the minor claimant was being threatened and bullied, harassed, assaulted and harmed by other students and knew that the assailants were troubled, assaultive students with a propensity to

1 cause harm to unsuspecting victims. The District's administrators, teachers and staff also
2 directly engaged in discriminatory conduct.

3 5.4 On January 9, 2023, student D.G.C. started spreading sexual rumors verbally
4 and through social media at Castle Rock High School stating Zander was "getting his dick
5 sucked by A.K.J.'s friend in the boys' bathroom at the school. These rumors were heard by
6 Castle Rock staff members Mr. Roberts, Mr. Henton and A.K.J. teachers. Students of all grades
7 started calling A.K.J. names like "faggot and pussy" and repeatedly asked A.K.J. "do you like
8 getting your dick sucked by T.?" These types of behaviors occurred on the bus, in the school
9 hallways, lunchroom, bathrooms, and in the classrooms; often near enough for teachers to hear.
10 Nothing was done or said to address this discriminatory behavior. During this first week of
11 these rumors, the drug and alcohol counselor at Castle Rock had heard the rumor, as had
12 A.K.J.'s Case manager and counselor (Mr. Degraff).
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15 5.5 A.K.J. had weekly check-ins with DeGraff but DeGraff never addressed these
16 sexually harassing and offensive rumors or addressed how this wrongful behavior was affecting
17 A.K.J.'s school work or his willingness to attend school.

18 5.6 On February 3, 2023, after continuously hearing the rumors and the repeated
19 offensive comments and names A.K.J. was being called such as "faggot and pussy and asked
20 about getting his dick sucked," A.K.J. told D.G.C. that he needed "to shut your mouth or I will
21 shut it for you." D.G.C. continued the name calling and rumor spreading via verbal taunts and
22 social media posts (snap chat, so no record is available). D.G.C. was called names like "faggot"
23 at least 5-8 times a day.
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25 5.7 On February 7, 2023, during lunch time (around 11:45-12:00), A.K.J. tapped
26 D.G.C. on the shoulder and motioned him to go into the bathroom to again confront the

1 discriminatory conduct. A.K.J. went into the bathroom alone, however D.G.C. brought between
2 12-25 other students into the restroom with him, with only ten or so able to fit inside, The rest
3 of the students bottlenecked the entrance to the restroom. D.G.C. and A.K.J. started a heated
4 verbal exchange, but no physical contact was made. The fellow students D.G.C. had asked to
5 join, surrounded A.K.J. and D.G.C. taunting them to fight, repeatedly calling A.K.J. "faggot
6 and pussy". All students inside the bathroom had their phones out and were filming the entire
7 exchange. Other students were encouraging A.K.J. to say the "N-word" and calling A.K.J. a
8 "N-word Faggot" using the full use of the N word. About 2-3 minutes after the crowd entered
9 the bathroom, the counselor (DeGraff) and the drug and alcohol counselor (Roberts) pushed
10 their way into the restroom and dispersed the students. No names of students were taken, no
11 phones were confiscated, students were not asked to delete the video, and A.K.J. and D.G.C.
12 were not spoken to and were sent directly to class.
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15 5.7 A.K.J. went directly to class, and once in class other students started to call him
16 "Faggot and pussy, N-word Faggot" and asked A.K.J. about "getting his dick sucked." This
17 occurred in the presence of a teacher. A.K.J. was also mocked for not hitting D.G.C. in the
18 bathroom. After about 6 minutes of this, A.K.J. asked his teacher to speak to D.G.C. about the
19 abuse. Once A.K.J. reached DeGraff's office, he was in an active anxiety/panic attack, and
20 Degraff told A.K.J. he could either go back to class or sit in a side room (a closet with one small
21 window with the blinds closed.) A.K.J. chose the side room. The blinds remained closed, and
22 during the over 2 hours he was in the room, he was checked on one time, the blinds remained
23 closed, and A.K.J. used self-harm to try and end his panic attack. A.K.J.'s mother, Jennifer
24 Kralej, was not notified until A.K.J. had been in the room for over 2 hours alone. While A.K.J.
25 was in the side room, students continued to walk by, making comments through the cracked
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1 door (the door has no window or opening to see through), most making the same comments as
2 they were in class such as caling A.K.J. "faggot, pussy, N-word faggot" and talked about the
3 bathroom incident. No adults intervened.

4 5.8 When the Vice Principal returned from a field trip around 2:15, he was informed
5 of the lunchroom incident, and was informed A.K.J. was in the side room alone. Mr. Henton
6 called Ms. Kraley at work, and she immediately called A.K.J. and heard from his voice that he
7 was still in an active panic and anxiety attack and was not in a good place. Ms. Kraley had to
8 leave her school, where she is a teacher, and arrived at Castle Rock High School at
9 approximately 2:45, and A.K.J. was already outside waiting for her. The school did not have
10 Ms. Kraley check him out and she was not sure how long he was outside alone. Once home,
11 A.K.J. immediately went to sleep, and slept for over 6 hours, exhausted from the stress and
12 anxiety. Ms. Kraley excused A.K.J. from school and made an appointment with his therapist
13 and pediatrician for February 9, 2023, as he was quite depressed, and not in a good emotional
14 state. His pediatrician increased A.K.J.'s his anti-depression medicine, and prescribed anxiety
15 medicine for the first time for A.K.J.

16 5.9 On February 8, 2023, Ms. Kraley contacted the district office with questions
17 about why there was no investigation, discipline for the sexual harassment, and why the students
18 filming and encouraging the fight were not spoken to or given a consequence. Ms. Kraley was
19 told they knew nothing about the statements (even though Degraff and Roberts, the staff
20 members who broke up the altercation at lunch knew of the rumors, along with many teachers
21 and the vice principal). Ms. Kraley filed a formal Title IX complaint related to the handling of
22 the situation and filed a sexual harassment complaint against the student. After 10-14 days of
23 Ms. Kraley repeatedly asking about the investigation, Ms. Kraley finally received an email
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1 asking her to name directly the student who started the rumors and sexual harassment. Ms.
2 Kraley expressed to the school her concern about retaliation, and the continued sexual
3 harassment that was occurring at school. The school stated they had a plan for A.K.J., although
4 there was no follow through in keeping A.K.J. safe in school designed to stop the harassment
5 and bullying.

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7 5.10 By the end of February 2023, there still was no investigation started. Before the
8 end of February- Ms. Kraley demanded that the investigation start, as a month had almost
9 passed, and the district finally hired a lawyer from Bellingham to investigate the Sexual
10 Harassment/Title IX complaint filed.

11 5.11 On March 15, 2023, during lunch, D.G.C.'s older brother found A.K.J. alone in
12 the bathroom and surrounded him with 6-10 other upperclassmen. He told A.K.J. that "he
13 knew about the sexual harassment charges against his brother" that "I will kick your fucking
14 ass faggot" and that "there is a chat group with my family and students to make sure we get our
15 stories straight and you are blamed." A.K.J. felt scared for his safety, and escaped the bathroom
16 and went directly to the principal. Her door was open, and when A.K.J. entered visibly upset
17 and in an anxiety attack, before he could speak the principal stated "I won't speak to you. Your
18 mom is not here. Leave now." A.K.J. went across the hall to the counselor and his case
19 manager. McGraff's door was also open and he was without students. He could also see that
20 A.K.J. was visibly upset. Mr. DeGraff said, "I won't talk to you. Leave." A.K.J., feeling
21 hopeless and unsafe, called his mother. A.K.J. then called his step-father, who came to the
22 school within 10 minutes and picked A.K.J. up, again without needing to sign him out. A.K.J.
23 was outside in distress and unsupervised waiting for him.
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1 5.12 Ms. Kraley received the message from A.K.J. about the threats and this specific
2 retaliation, and immediately called the vice principal. A.K.J. told Ms. Kraley that he felt unsafe,
3 and that everyone promised that no one would know about the investigation, and that he would
4 be protected from retaliation. He was so upset and said he would not ever go back to Castle
5 Rock High School as he was not safe.

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7 5.13 During the month of February 2023, A.K.J.'s media/literacy teacher asked the
8 class "are there any Jews in this class?" A.K.J. raised his hand and stated his mother was
9 Jewish, and so that made him part Jewish. A.K.J. being Jewish spread throughout the school,
10 and Holocaust jokes, swastikas drawn on peers hands, and hate words (Kike) were added to the
11 other insults that he was subjected to daily. This continued until a culminating event on March
12 13th. On March 13, 2023, during Honors History Class, a student drew a swastika on her finger,
13 held it up under her nose, and asked A.K.J., "how do you like this Jew?" The student next to
14 her asked A.K.J. "if he really likes getting his dick sucked?" The teacher, Mr. Hart, was next
15 to all three students, and he simply said, "be nice." That is all he did to address the anti-semitic
16 and sexual comments. The rumors continued to plaintiff's new school.

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18 5.14 These examples, again, are only meant to generally describe the type and forms
19 of discrimination and wrongful conduct that forms the basis of the claims brought by the
20 plaintiffs. Further details and information shall be provided and developed as discovery
21 commences and is completed.

22 **5.2 SPECIAL RELATIONSHIP**

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24 5.2.1 Castle Rock School District, through its employees, administrators and
25 agents, had a special relationship with the plaintiff A.K.J. This special relationship granted
26 plaintiffs a right to protection. Castle Rock School District had a duty to protect plaintiff

1 described in this complaint, but failed to do so.

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3 **VI. CLAIMS FOR RELIEF**

4 **6.1 Negligence, Negligent Hiring, Retention and Supervision:** Plaintiffs
5 incorporate all prior assertions in this Complaint as the proximate cause of Plaintiffs'
6 injuries under these causes of action.

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8 **6.2 Intentional/Negligent Infliction of Emotional Distress, Outrage:**
9 Plaintiffs incorporate all prior assertions in this Complaint as the proximate cause of
10 Plaintiffs' injuries under these causes of action.

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12 **6.3 Destruction/Damage** to the parent child relationship: Plaintiffs incorporate
13 all prior assertions in this Complaint as the proximate cause of Plaintiffs' injuries.

14 **6.4 Violation of Title IX.** Title IX of the Education Amendments of 1972 (Title
15 IX) prohibits sex (including pregnancy, sexual orientation, and gender identity)
16 discrimination in any education program or activity receiving federal financial assistance.
17 Plaintiffs incorporate all prior assertions in this Complaint as the proximate cause of
18 Plaintiffs' injuries under these causes of action.

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20 **VII. DAMAGES**

21 **7.1** As a direct and proximate result of the acts and omissions of the Defendants,
22 and each of them, the Plaintiffs suffered severe and permanent emotional distress, mental
23 anguish, mental and emotional shock, all of which have continued into the present and will
24 continue into the future. Jennifer Kraley Heinrich suffered economic loss, such as wage
25 loss as a result of defendant's negligence.
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VIII. PRAYER FOR RELIEF


WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them,
as follows:

- (1) For such special damages as shall be established at time of trial;
- (2) For such general damages as shall be established at time of trial;
- (3) For such punitive damages allowable by law; and
- (4) For such attorneys' fees, interest, costs, and such other and further relief as shall be allowed by law or deemed just and equitable.

Dated this 12th day of October, 2023.

LAW OFFICE OF THADDEUS P. MARTIN

By


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